



Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Maryland

2009 MAY 28 AM 10:10

DELAWARE

Docket No. 09-CPCU-22
CK 152740/02-9
\$300.00 5/28/09 JDL
100 YEARS OF SUPERIOR SERVICE

KN
RW
KN
KR
NS

May 28, 2009

LeFeisha Williamson
Public Service Commission
861 Silver Lake Blvd, Cannon Bldg.
Suite 100
Dover, DE 19904

Dear Ms. Williamson:

Enclosed are 4 complete copies and 7 applications excluding exhibits of a Water CPCN Application for Holland Mills in Sussex County.

Please contact me at (302) 453-6912 if you have any questions regarding this Application.

Sincerely,

David B. Spacht
Chief Financial Officer & Treasurer

Milton

-  Holland_Mills
-  Existing CPCN
-  Municipality

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY REQUIRED TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

This form of application must be filed for each new or expanding water system pursuant to 26 Del. C. § 203C.

WATER UTILITIES:

1. Basis for application:

- ☐ a. Water in the proposed service area does not meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. § 203C(d)(2)(a)); or
- ☐ b. Water supply in the proposed service area is insufficient to meet the projected demand (26 Del. C. § 203C(d)(2)(b)); or
- ☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C. § 203C(e)(1)(a)); or
- ☒ d. The applicant is in possession of a petition signed by the parcel owners of the proposed territory to be served (26 Del. C. § 203C(e)(1)(b)); or
See Exhibit A
- ☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served (26 Del. C. § 203C(e)(1)(c)).

- 2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. § 203C(a)).
- 3. Artesian Water Company, Inc. requests an informal fact finding procedure during review of the application.

4. (a) Full legal name and address of the Applicant:

ARTESIAN WATER COMPANY, INC.
664 CHURCHMANS ROAD NEWARK, DE 19702

- (b) Full name of the Utility's designated representative: **DAVID B. SPACHT**

- (c) Phone No.: **(302) 453-6912**

- (d) Fax No.: **(302) 453-6980**

5. Supporting documentation required by 26 Del. C. § 203E(1), including evidence that all landowners of the proposed territory have been notified of the application:

See Exhibit B

6. A complete list of county tax map parcel number(s) for the area covered by the Application:

See Exhibit A

7. A complete list of tax map numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area:

See Exhibit C

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:

(a) The Applicant is currently furnishing water to its present customers in Delaware in such fashion that water pressure at every house supplied is at least 25 pounds at all times at the service connection;

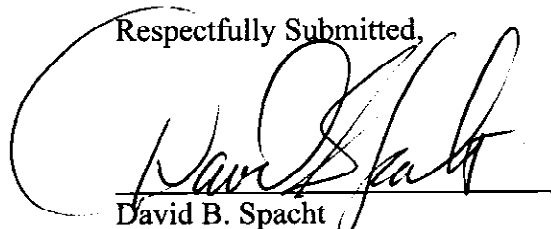
(b) The Applicant shall furnish water to the house or separate location of each new customer in Delaware at a pressure of at least 25 pounds at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 pounds at each house at all times at the service connection;

(c) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and

(d) The Applicant is not subject to any Order issued by the Commission finding that Artesian Water Company, Inc. has materially failed to provide adequate or proper safe water services to existing customers.

9. As shown in Exhibit A, a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permitting Applicant to provide them with public water.
- (a) A copy of the Application was sent to the State Fire Marshall, Department of Public Health and Department of Natural Resources on or about May 28, 2009.
- 1) The current status of such Application is: En route via mail
- (b) The Applicant provides the following additional information with this Application:
- 1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers are currently on file with the PSC;
 - 2) A chart, which depicts the inter-company relationships is currently on file with the PSC;
 - 3) A map identifying all areas, including all towns, cities, counties, and other government subdivisions to which service is already provided;
 - 4) All copies of Applicant's annual reports to stockholders, and that of its subsidiaries, and parent for the last two years are currently on file with the PSC;
 - 5) Applicant's audited financial statements, 10K's, and all proxy material for the last two years are currently on file with the PSC; and
 - 6) Any additional information required by the PSC Staff will be made available on request.

Respectfully Submitted,



David B. Spacht
Artesian Water Company, Inc.
664 Churchmans Road
Newark, DE 19702
Telephone: (302) 453-6900
Facsimile: (302) 453-6957

Certification of Landowner Information Accuracy

I certify that I have examined and reviewed the tax records of Sussex County and that on April 22, 2009, the following listed persons are identified by those records as being the "landowners of record" (as defined by 26 Del. C. S203C(j)) of the following listed parcels:

See Attached Exhibit A



Alan L. Fleetwood
CPCN Coordinator

EXHIBIT A

Holland Mills Water Exhibit A and C

Parcelid

235-26.00-8.00 and 235-26.00-183.00 through -318.00

Owner Name

Walker Road Development, LLC

Owner Last

Address
P O Box 212

City
Lewes

State Zip
DE 19958

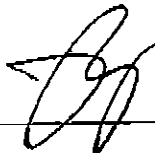
Artesian Water Company Water Service Petition

We the undersigned, request to be included in the water service territory of Artesian Water Company, Inc. for the following property in Sussex County, Delaware.

Parcel Nos.: 235-26.00-8.00
235-26.00-183.00 through -318.00

Property Description: Holland Mills Development
Property Owner(s): Walker Road Development LLC

Signature: _____



Title: Member Date: April 20 2009

Signature: _____

Title: _____ Date: _____

Return to
Artesian Water Company, Inc.
664 Churchmans Road
Newark, DE 19702

EXHIBIT B



100 YEARS OF SUPERIOR SERVICE

Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Maryland

April 22, 2009

Walker Road Development LLC
P O Box 212
Lewes, DE 19958

Re: Tax Parcel(s) 235-26.00-8.00 and 235-26.00-183.00 through -318.00

To Whom It May Concern:

We recently received signed petitions from you requesting that Artesian Water Company, Inc. provide water service to properties near you.

In order to provide your area with public water, Artesian must file for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC). Attached is information we are required to provide to all landowners within the proposed service territory prior to filing the CPCN Application.

The CPCN, when granted, will allow Artesian to be the public water service provider for your area. You are not obligated to connect to the public water system when it becomes available.

Under the law, the Public Service Commission is obligated to grant a CPCN to a utility to provide water services if a majority of the landowners in a proposed service area have requested the utility's water services. This means that even if you have not signed a request for the utility's water services, your property may be included in the utility's service area if more than half of the landowners have made such requests. If you want your property included in the service territory, even though you did not sign a request for the utility's water services, then you need not take any further action. However, if you do not want your property included in the utility's proposed service territory or if you oppose the utility providing services in the area, then you must do something under one or more of the attached options within 60 days.

Artesian provides excellent customer service and water quality. A recent survey of our current customers showed that 96% of our customers, if given the choice, would choose Artesian again.

If we can be of any further assistance to you, please feel free to contact me at 1-800-332-5114 or (302) 453-6983.

Sincerely,

Alan L. Fleetwood

Alan L. Fleetwood
CPCN Coordinator

LANDOWNER NOTIFICATION

In accordance with Delaware law and regulations of the Delaware Public Service Commission, the applicant, Artesian Water Company, Inc., must show evidence that all landowners of the proposed territory have been notified by certified mail or its' equivalent of the filing of the Application.

- "(1) Pursuant to Title 26, §203C(e) of the Delaware Code, an Application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about May 23. Your property has been included within an area Artesian Water Company, Inc. intends to serve with public water and we are required to inform you of certain information. The area to be served is Holland Mills .
***If you agree to the inclusion of your property in the proposed service area, no action on your part is required.
- (2) Pursuant to current law, you may file an objection to receiving water service from Artesian Water Company, Inc. Under Delaware law, the Public Service Commission cannot grant a CPCN to Artesian Water Company, Inc. for the proposed service area, including your property, if a majority of the landowners in the proposed service area object to the issuance of the CPCN. If you object to receiving water service from Artesian Water Company, Inc., you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
- (3) Pursuant to current law, you may also elect to opt-out of inclusion in the proposed service area. The term "opt-out" means that you decide that you do not want to receive water service from Artesian Water Company, Inc., even if a majority of the landowners in the proposed service area do elect to receive water service from Artesian Water Company, Inc. If you decide that you do not want to receive water service from Artesian Water Company, Inc. and instead wish to opt-out, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
- (4) You may also request a public hearing on this matter. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
- (5) The written notice of your decision to object to the issuance of the CPCN, to opt-out of receiving water service from Artesian Water Company, Inc., and/or your written request for a public hearing, shall be sent to the Secretary of the Delaware Public Service Commission at the address listed below.
- (6) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above and the name of the applicant so the Commission will be able to identify the CPCN Application to which your notice is related.
- (7) Questions regarding objections, opt-outs, and hearings may be directed to:

Secretary
Delaware Public Service Commission
861 Silver Lake Blvd.
Cannon Building, Suite 100
Dover, DE 19904

U.S. Postal Service[™]
CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

05 FEB 2004 11 43 AM

Postage	\$ 42	Postmark Here
Certified Fee	2.00	
Return Receipt Fee (Endorsement Required)	2.00	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.32	

Sent To Walker Road Development LLC
 Street Apt. No. PO Box 212
 or PO Box No. Lewes DE 19958
 City, State, Zip+4

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Walker Road Development LLC
PO Box 212
Lewes DE 19958

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] Agent

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label)

7006 0810 0002 3743 1407

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT C

Holland Mills Water Exhibit A and C

Parcelid	Owner Name	Owner Last	Address	City	State	Zip
235-26.00-8.00 and 235-26.00-183.00 through -318.00	Walker Road Development, LLC		P O Box 212	Lewes	DE	19958

MAPS

SEE

ORIGINALS

IN DOCKET